

REMARKS:

The Office action mailed July 21, 2005 has been received and carefully considered. Reconsideration of the application in view of the present amendment is respectfully requested.

Claims 8 to 14 and 17 to 22 have been rejected as anticipated by Beale, et al., Jackson '751, Shluzas and Morrison, et al.

One of the key differences between the guide tools of the present invention and the prior art is that in both the intermediate guide tools, shown for example in Fig. 1, and the end guide tools, shown for example in Fig. 4, that each has a radially outward or sideways opening channel that extends the entire length of the tool. These channels are very important and add great versatility to the guide tools. For example, the lower ends of the channels receive and guide the ends of the rods in the end guide tools and receive the rods therethrough in the intermediate guide tools. Further, because the top of the channel is also open to the side, the tool can receive other tools both in a side loaded fashion and in a top loaded fashion, yet the other tools are still guided in usage through the guide tools by the channel. For example, the closure installation tool 145 (which is an elongate rod with a closure held at one end, see Fig. 17) can be inserted axially in the channel or swung in sideways into the channel. This gives the surgeon much greater

flexibility in performing surgery.

The description of the guide channel in Claim 8 has been changed to be more specific with respect to the channel being open sideways along the entire length thereof. This type of language was found in previously submitted Claim 10 and is, therefore, not newly presented in the claims with this amendment. None of the references cited shows a sideways opening channel that extends the entire length thereof. In the prior art, some of the devices included axially extending bores, but these were fully enclosed at least part of the way therealong. Applicant's type of channel offers significant advantages that are not provided for in the cited prior art, nor is such a channel in any way anticipated by or made obvious in view of the cited art. In particular, none of the prior art shows a sideways opening channel extending the length of the guide tools that are shown therein.

Independent Claim 17 has been amended to more specifically point out a method of use of the sideways open channel of the guide tools that was discussed with respect to Claim 8. Again, nothing in the four cited references teaches or suggests this method. The remaining independent method claims also call for providing a sideways opening channel along the entire length of the guide and include steps of utilizing such a channel. This is not found in any of the four references cited as anticipating


these claims.

Consequently, it is urged that Claims 8, 17, 19, 20, 21 and 22, along with the claims that are dependent therefrom, are allowable over the art of record and notice to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned by telephone, if prosecution of this application can be expedited thereby.

Respectfully Submitted,

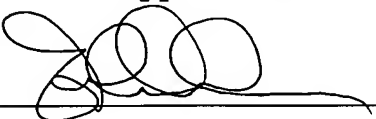
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(Applicant)

By

  
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January 23, 2006

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(Date of Signature)